IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.2165 of 2006

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Dated: April 13, 2006

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Between:

Venkateswara Sama Bhavana Sangam,

Cheruvuannaram Village, Kattamgur

Mandal, Nalgonda District, rep. by its

President Chilumula Yellamma, W/o.

Yadaiah, aged 30 years, R/o. Cheruvu

Annaram Village, Kattamgur Mandal,

Nalgonda District.

… Petitioner

And

The Mandal Revenue Officer,

Kattamgur Mandal, Nalgonda District,

and two others.

… Respondents

Order:

The petitioner has questioned the proceedings of the first respondent dated 16-01-2006, handing over the charge of Midday Meals Scheme in Cheruvu Annaram Village, Kattamgur Mandal, Nalgonda District, to the third respondent.

2. The Government decided to serve nutritious and hot cooked food to the school-going children in Government and aided institutions from
I to V classes, free of cost and after working out modalities, it has issued G.O.Ms.No.94 Education (SE-Prog.1) Department dated 25-11-2002. The case of the petitioner, an agency entrusted with the work of serving food to the school-going children under the Midday Meals Scheme in the year 2002, is that it has been effectively discharging the duties from the last more than 3 years. Petitioner's grievance is that the first respondent, without conducting any enquiry, issued the impugned proceedings handing over the charge of the Midday Meals Scheme to the third respondent. Hence, the present Writ Petition has been filed questioning the said proceedings.

3. Respondents have filed counter affidavit stating that several complaints were received against the petitioner in the matter relating to the discharge of Midday Meals Agency and the Mandal Parishad Development Officer, Kattangur, who is also a member of the three-men committee constituted under G.O.Ms.No.94, has conducted an enquiry, in which the petitioner had reluctantly stated that one Ms. Sitha Kumari, the then M.P.D.O. who has entrusted the agency to her is the competent authority to conduct enquiry.

4. In view of the complaints received against the petitioner in running the Midday Meals Programme, an enquiry has been conducted by the M.P.D.O., and thereafter, the first respondent, by the impugned proceedings, handed over the charge of the programme to the third respondent, who is the leader of 17 Sama Bhavana Sangams of Cheruvannaram Village. The said entrustment of work to the third

respondent is not in the capacity of an individual as pleaded, but as she is the leader of the Sama Bhavana Sangams, in which the petitioner is also one of the Sangams, she has been entrusted the said work. The ultimate object of the Midday Meals Programme is to serve nutritious food to the school-going children. In view of the complaints received against the petitioner, it is always open for the respondents to change the agency for the effective implementation of the scheme. There is no valid ground to interfere with the impugned order under Article 226 of the Constitution of India.

5. The Writ Petition is devoid of merits and is accordingly dismissed. However, it is made clear that if any bills are due and payable to the petitioner for the period for which it had run the agency, it is open for the petitioner to make a representation in that regard to the respondents and if any such representation is made, the same shall be considered and steps shall be taken for payment of bills, if any, due to the petitioner after verifying the relevant records.

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JUSTICE R. SUBHASH REDDY.

April 13, 2006

MRR